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In re Application of :  
Jan Hall et al. :  
Application No.: 09/980,011 : DECISION ON  
PCT No.: PCT/SE00/01027 :  
Int. Filing Date: 31 May 1999 : PETITION  
Priority Date: 23 May 2000 :  
Attorney's Docket No.: 21547/0286 : UNDER 37 CFR 1.181  
For: IMPLANT, METHOD FOR PRODUCING :  
THE IMPLANT, AND USE OF THE IMPLANT :

This decision is in response to the "REQUEST FOR RECONSIDERATION OF DECISION UNDER 37 C.F.R. 1.181" requesting the removal of the holding of abandonment because the full U.S. Basic National Fee was timely authorized to be charged to petitioner's Deposit Account.

### **BACKGROUND**

In a decision from this Office on 26 June 2002 the petition filed on 07 March 2002 was dismissed. The decision indicated that the record of the filed application shows that the USPTO made attempts on 06 December 2001 and 05 February 2002 to charge petitioner's Deposit Account no.: 22-0185 but the account had insufficient funds.

On 26 August 2002, applicants filed a renewed petition under 37 CFR 1.181.

### **DISCUSSION**

A review of the printouts for the Deposit Account No.: 22-0185 for the application and time in question reveal that there were insufficient funds at the time the USPTO charged the above application the U.S. Basic National Fee on December 7, 2001.

The record shows that applications 09/980,012, 09/980,005 and 09/980,296 were charged to the Deposit Account No.: 22-0185 on 06 December 2001 at 2:52 pm, 2:54 pm, and 2:54 pm respectively. This occurred at the end of business day on the 6<sup>th</sup> of December for the financing section of PCT, therefore the charges are shown on the printout for the following business day on 07 December 2001. The printouts show that by the end of the third charge for the above applications the Deposit Account No.: 22-0185 amount had been reduced to \$922.65 and was not replenished until the following day, 07 December 2001, at 10:00 am. Accordingly, when the

above application fee of \$1,184.00 was charged to Deposit Account No.: 220185 on 06 December 2001 there was insufficient fees since there was only 922.65 at that time and the Deposit Account was not replenished until the next day.

Consequently, the aforementioned application was properly abandoned for failure to pay the full U.S. Basic National Fee by 30 months.

09/980,012, 09/980,005 and 09/980,296

Applicant may wish to consider the filing of a petition to revive the application under 37 CFR 1.137(b).


### CONCLUSION


For reasons above, the petition under 37 CFR 1.181 is **DISMISSED**, without prejudice.

The application remains **ABANDONED**.

If reconsideration of the merits of the petition under 37 CFR 1.181 is desired or if applicant decides to file a petition to revive under 37 CFR 1.137(b), applicant must file such within **Two (2) MONTHS** from the mail date of this Decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the office of PCT Legal Administration.

  
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Enclosed:

Printouts for applications: 09/980,012, 09/980,005,  
09/980,296, and USPTO attempt charge to 09/980,011